

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JACK LEROY WINE III and
BRANDY WINE, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JACK LEROY WINE, JR., and CORINA
BURROUGHS,

Respondents-Appellants.

UNPUBLISHED
February 21, 2006

No. 264740
Kalamazoo Circuit Court
Family Division
LC No. 03-000360-NA

Before: Borrello, P.J., and Sawyer and Fitzgerald, JJ.

PER CURIAM.

Respondents appeal as of right from the trial court order terminating their parental rights to the minor children under MCL 712A.19b(3)(a)(ii), (c)(i), and (g). We affirm.

Respondents do not challenge the trial court's finding that the statutory grounds were established by clear and convincing evidence but challenge only the court's best interests determination. The evidence did not show that termination of respondents' parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent father was addicted to methamphetamine and engaged in criminal activity that caused frequent incarceration. Respondent mother was addicted to methamphetamine, manufactured methamphetamine, freely violated court orders, and disrupted the children's placements. Both children acquired serious drug addictions at very early ages, and Jack III suffered burns while manufacturing methamphetamine with respondent mother. Respondents were neglectful parents and terrible role models, and the fact was clear that contact with them was detrimental to the children.

Respondents contend on appeal that termination was clearly contrary to the children's best interests because the children were 14 and 15 years old, strongly bonded to respondents, and not adoptive. They would refuse to remain in any foster care placement and would seek out respondents regardless of the termination order. Thus, respondents argue, termination of parental rights served no purpose other than to actually harm the children by alienating them from judicial and agency authorities and hindering their substance abuse treatment and mental/emotional health treatment.

Petitioner contends that it was undisputed that the statutory grounds for termination had been established against respondents by clear and convincing evidence and that no evidence showed that termination was clearly contrary to the children's best interests. Petitioner adds that severing the parent-child relationship and all contact between respondent and the children was the only way to save the children from the harmful influence exerted by respondents and was, therefore, in their best interests.

The parent-child bond was harmful and maintaining it actually weighed against the children's best interests instead of in favor of it in this case. Also, while it was possible that the children's negative view of the system would be perpetuated by termination of parental rights, which might alienate them from service providers and hinder their rehabilitation, no evidence was presented establishing that termination would have this long-term affect on the children. This possible effect of termination took into account only Brandy's state of mind at the time of termination. The children had previously shown success in treatment when separated from the influence of family members in secure residential placement, and their only hope at rehabilitation was removal from respondents' influence and protection from their own poor decisions.

Additionally, if the trial court did not terminate parental rights respondents would continue to be involved in the children's legal processes and other aspects of the children's lives. Any contact with respondents, or any parental control respondents might legally be able to exert over the children, was contrary to the children's best interests. The trial court correctly recognized that the children's best interests required that respondents' involvement of any kind must cease.

In this tragic case, the trial court had no choice but to attempt to place as much distance between respondents and the children as possible and to bar contact between them as completely as possible for as long as possible. Termination of parental rights and placement in a secure residential facility best effectuated that necessity. The evidence did not show that termination was either futile or clearly contrary to the children's best interests.

Affirmed.

/s/ Stephen L. Borrello
/s/ David H. Sawyer
/s/ E. Thomas Fitzgerald